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8 Attorney for Defendant  
9 WERNER ENTERPRISES, INC.

10 UNITED STATES DISTRICT COURT

11 DISTRICT OF NEVADA

12 DESHANNA GRAHAM, individually and as  
13 Guardian Ad Litem of minor C.M. and as  
14 Guardian Ad Litem of minor, C.M., JR.,

15 Plaintiffs,

16 Case No.

17 vs.

**NOTICE OF REMOVAL**

18 WERNER ENTERPRISES, INC.;  
19 JONATHAN JOHNSTON; JOHN DOES I-  
20 XX, inclusive; ABC CORPORATIONS I-X,  
21 inclusive; and BLACK AND WHITE  
22 COMPANIES, I-X, inclusive,

23 Defendants.

24 TO: THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA:  
25  
PEASE TAKE NOTICE that on March 19, 2019, Defendant WERNER ENTERPRISES,  
26 INC., contemporaneously with the filing of this Notice, removed the above-referenced action  
from the Second Judicial District Court of the State of Nevada in and for the County of Washoe  
27 to the United States District Court for the District of Nevada. The removal is based upon the  
following grounds.

28 **I. INTRODUCTION**

This lawsuit involves a personal injury claim. The Plaintiffs Deshanna Graham,  
individually and as Guardian Ad Litem of minor CEE'AHNY MYLES and as Guardian Ad  
Litem of minor, CORNAE MYLES, JR., allege that they were injured in an automobile accident  
on Rock Boulevard and Longley Lane, Washoe County, Nevada, on or about January 13, 2017,

1 wherein it is alleged that Defendant JONATHAN JOHNSTON backed up into Plaintiffs' lane,  
2 striking the entire driver's side and rear-end of Plaintiffs' vehicle. Plaintiffs claim to have  
3 suffered personal injuries and have allegedly incurred substantial medical expenses. Plaintiffs  
4 have sued in Nevada state court presenting causes of action for negligence against the  
5 Defendants. WERNER ENTERPRISES, INC., and JONATHAN JOHNSTON remove this case  
6 based on diversity of jurisdiction because all of the information taken together suggests that it is  
7 more probable than not that the amount in controversy exceeds \$75,000.00 and the action is  
8 between citizens of a different state.

9 **II. PROCESS PLEADINGS AND ORDERS RECEIVED BY DEFENDANT**

10 Defendant WERNER ENTERPRISES, INC., was served with the Plaintiffs' Complaint  
11 on or about March 12, 2019. A true and correct copy of the Complaint is attached hereto as  
12 Exhibit 1. Defendant WERNER ENTERPRISES, INC. served its Answer to Plaintiffs'  
13 Complaint on March 26, 2019. A true and Correct Copy of the Answer is attached hereto as  
14 Exhibit 2.

15 **III. THE COURT HAS JURISDICTION UNDER 28 U.S.C. §1332**

16 This Court has original jurisdiction over this case pursuant to 28 U.S.C. §1332, as this is  
17 an action between citizens of different states and the amount in controversy appears to exceed  
18 \$75,000.00. In that regard, Plaintiffs are believed to be citizens of the State of Nevada; and  
19 Werner Enterprises, Inc. is, pursuant to Exhibit 2 hereto, organized and existing under the laws  
20 of the State of Nebraska, with its principal place of business in Nebraska. Defendant  
21 JONATHAN JOHNSTON, who has not yet been served in the state court action, is a resident of  
22 Oroville, California. *See* Exhibit 2. Therefore, complete diversity exists among the parties in  
23 this case.

24 **IV. THIS REMOVAL IS TIMELY**

25 Plaintiffs filed their Complaint attached hereto as Exhibit 1 on January 8, 2019.  
26 Defendant Werner Enterprises, Inc., was served with same on March 12, 2019. This Notice is  
27 being filed on March 19, 2019, a date less than thirty (30) calendar days after the Complaint was  
28 served on the Defendant and the removal is therefore timely under 28 U.S.C. §1446(b).

**V. DEFENDANT HAS MET ALL OTHER REQUIREMENTS FOR REMOVAL**

1. This Court has jurisdiction over this matter pursuant the 28 U.S.C. §1332.  
Removal is proper pursuant to 28 U.S.C. §1441.

2. Defendant attaches to this Notice as Exhibit 1, a true and correct copy of the Complaint filed by Plaintiffs in connection with this matter.

3. Defendant attaches to this Notice as Exhibit 2, a true and correct copy of the Answer filed by Defendant WERNER ENTERPRISES, INC. in connection with this matter.

4. Defendant has concurrently filed a copy of this Notice of Removal of Civil Action to the United States District Court in the Second Judicial District Court, Washoe County Nevada.

5. Defendant has served a copy of this Notice upon Plaintiffs' counsel.

DATED this 26<sup>th</sup> day of March, 2019.

# THORNDAL ARMSTRONG DELK BALKENBUSH & EISINGER

By: /s/ Brian Brown

BRIAN M. BROWN, ESQ.  
Nevada Bar No. 5233  
6590 S. McCarran Blvd., Suite B  
Reno, Nevada 89509  
Attorney for Defendant  
WERNER ENTERPRISES, INC.

**CERTIFICATE OF SERVICE**

Pursuant to FRCP 5(b), I certify that I am an employee of Thorndal Armstrong Delk Balkenbush & Eisinger, and that on this date I caused the foregoing NOTICE OF REMOVAL to be served on all parties to this action by:

placing an original or true copy thereof in a sealed, postage prepaid, envelope in the United States mail at Reno, Nevada.

United States District Court CM/ECF Electronic Filing Process

hand delivery

electronic means (fax, electronic mail, etc.)

Federal Express/UPS or other overnight delivery

fully addressed as follows:

**Julie Throop, Esq.  
Terry Friedman and Julie Throop, PLLC  
300 S. Arlington Avenue  
Reno, Nevada 89501  
Attorney for Plaintiffs**

DATED this 26<sup>th</sup> day of March, 2019.

/s/ Laura Bautista  
An employee of Thorndal Armstrong  
Delk Balkenbush & Eisinger

1                   **Index of Exhibit(s)**  
2  
3                   **Exhibit No.    Description**  
4       1            Complaint  
5       2            Answer to Complaint  
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